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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/628,918	07/29/2003	Brian D. Gragg	200210214-1	8126
22879	7590	09/08/2005		
HEWLETT PACKARD COMPANY P O BOX 272400, 3404 E. HARMONY ROAD INTELLECTUAL PROPERTY ADMINISTRATION FORT COLLINS, CO 80527-2400			EXAMINER CHERY, MARDOCHEE	
			ART UNIT	PAPER NUMBER
			2188	

DATE MAILED: 09/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/628,918	GRAGG, BRIAN D.	
	Examiner	Art Unit	
	Mardochee Chery	2188	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This office action is in response to Application No. 10/328918 filed on July 29, 2003.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

the claimed invention is directed to non-statutory subject matter. Claim 11 recites "an article of manufacture embodied in a computer-readable medium" while on page 2 of the specification a computer-readable medium is defined as "signals and carrier wave/pulse". Claims 12-19, directly depending upon claim 11, bare the same deficiency and therefore are nonstatutory.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 14, 17, 22 and 27 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use

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the invention. Claims 17 and 27 recite, “the at least first and the second communication protocols include the same protocol” while claims 14 and 22 and recite “a first communication protocol being a sector-level protocol and the second communication protocol being a file-level protocol”. As such, claims 14, 17, 22 and 27 fail the enablement requirement because claims 17 and 27 contradict claims 14 and 22.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-3, 5-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Garg (2002/0002577).

As per claim 1, Garg discloses an image forming device comprising: a storage device for storing data [par.29]; and a storage access manager configured to coordinate access to the storage device from a plurality of client devices that communicate with the storage device using at least one uncoordinating communication protocol [pars. 48-50].

As per claims 2 and 3, Garg discloses the sector-level communication protocol includes a universal serial bus protocol and the file-level communication protocol includes a common internet file system protocol [pars.30 and 33].

As per claim 5, Garg discloses a universal serial bus communication port for communicating to the storage device and, a network communication port for communicating to the storage device [pars. 24 and 30].

As per claim 6, Garg discloses a plurality of universal serial bus communication ports configured to provide access to the storage device [par.30].

As per claim 7, Garg discloses the storage device includes logic to notify a client device whether an access request for the storage device is permissible [pars. 66 and 68].

As per claim 8, Garg discloses the storage access manager is embodied as logic [par. 50].

As per claim 9, Garg discloses the storage device is one or more memory cards [par. 29].

As per claim 10, Garg discloses the storage access manager includes storage access manager means to coordinate the access to the storage device [par. 50].

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 4, 11-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Garg (2002/0002577) in view of Araki (2002/0110014).

As per claim 4, Garg discloses the storage access manager further includes a contention matrix configured to determine contention states for accessing the storage device [pars. 45-46].

Araki also discloses the storage access manager further includes a contention matrix configured to determine contention states for accessing the storage device [Figs. 6-7 and 15-16] to improve the performance of the system (par.18).

Since the technology for implementing a storage system with a contention matrix configured to determine contention states for accessing the storage device was well known as evidenced by Araki, an artisan would have been motivated to implement this feature in the system of Garg since this would have improved the performance of the system. Thus, it would have been obvious to one of ordinary skill in the art at the time of invention by applicant, to modify the system of Garg to include a contention matrix configured to determine contention states for accessing the storage device because

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such feature would have improved the performance of the system (par.18) as taught by Araki.

As per claim 11, the rationale in the rejection of claim 2 is herein incorporated. Garg further discloses an article of manufacture embodied in a computer-readable medium for use in an image forming device having a storage device, the article of manufacture comprising: first processor executable instructions for causing a processor to maintain a current access state for the storage device [Figs. 2 and 6, par. 27]; second processor executable instructions for causing a processor to determine a contention status between the current access state and a received access request for accessing the storage device based on a contention logic, the contention logic defining rights for accessing the storage device from the at least first communication protocol and the second communication protocol [Fig. 6; pars. 3-4; page 9, right column, lines 38-60]; and third processor executable instructions for causing a processor to determine whether the received access request is permissible based on the contention status [par.3].

However, Garg does not specifically teach accessing the storage device from the at least first communication protocol and the second communication protocol as required by the claim.

Araki discloses simultaneously accessing the storage device from the at least first communication protocol and the second communication protocol [pars. 16,18 and 33-34] to improve the performance of the system (par.18).

Since the technology for implementing a storage system with accessing the storage device from the at least first communication protocol and the second communication protocol was well known as evidenced by Araki, an artisan would have been motivated to implement this feature in the system of Garg since this would have improved the performance of the system. Thus, it would have been obvious to one of ordinary skill in the art at the time of invention by applicant, to modify the system of Garg to include accessing the storage device from the at least first communication protocol and the second communication protocol because such feature would have improved the performance of the system (par.18) as taught by Araki.

As per claim 12, Araki discloses the contention logic is configured to coordinate simultaneous access to the storage device by one or more clients using the first communication protocol and one or more clients using the second communication protocol [pars. 16-18 and 33-34].

As per claim 13, the rationale in the rejection of claims 4 and 7 is herein incorporated.

As per claim 14, Araki discloses the contention logic is configured based on the

first communication protocol being a sector-level protocol and the second communication protocol being a file-level protocol [pars. 16,18 and 33-34].

As per claim 15, Garg discloses at least a first communication protocol and the second communication protocol include at least one uncoordinating communication protocol [pars.30, 33 and 58].

As per claim 16, Garg discloses fourth processor executable instructions for causing a processor to notify a first client when access to the storage device occurs by a second client [pars. 51 and 64].

As per claim 17, Garg discloses the at least first and the second communication protocols include the same protocol [Fig.3].

As per claim 18, Garg discloses fifth processor executable instructions for causing a processor to assign an identifier to each client requesting access to the storage device [Fig.4, pars. 21 and 36-37].

As per claim 19, Garg discloses the second processor executable instructions include storage access manager means for controlling access to the storage device [pars. 48-50].

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As per claim 20, the rationale in the rejection of claims 2, 4, and 7 is herein incorporated.

As per claim 21, the rationale in the rejection of claim 4 is herein incorporated.

As per claim 22, the rationale in the rejection of claim 3 is herein incorporated.

As per claims 23 and 25, the rationale in the rejection of claim 7 is herein incorporated.

As per claim 24, the rationale in the rejection of claim 18 is herein incorporated.

As per claim 26, the rationale in the rejection of claim 15 is herein incorporated.

As per claim 27, the rationale in the rejection of claim 17 is herein incorporated.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Leporini

2003/0110382

10. When responding to the office action, Applicant is advised to clearly point out the patentable novelty that he or she thinks the claims present in view of the state of the art disclosed by references cited or the objections made. He or she must also show how the amendments avoid such references or objections. See 37 C.F.R. 1.111(c).

11. When responding to the office action, Applicants are advised to provide the examiner with the line numbers and page numbers in the application and/or references cited to assist the examiner to locate the appropriate paragraphs.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mardochee Chery whose telephone number is (571) 272-4246. The examiner can normally be reached on 8:30A-5:00P.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Manonama Padmanabhan can be reached on (571) 272-4210. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

August 31, 2005

MC

Mardochee Chery
Examiner
AU2188

Mano Padmanabhan
9/6/05

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SUPERVISORY PATENT EXAMINER